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January 26, 1992



Dear Resident and Interested Party:

I am taking this opportunity to update you on the status of the upcoming negotiations between Ontario and the Teme-Augama Anishnabai. Current discussions between the two parties focus on a Framework Agreement intended to guide the negotiations and deal with the land cautions. These discussions are approaching an important stage.

The Teme-Augama Anishnabai filed the cautions in 1973 on about 4,000 square miles of land in 110 townships. The cautions were based on the assertion that the Teme-Augama Anishnabai had aboriginal title to these lands.

In April of 1990, Ontario and the Teme-Augama Anishnabai signed a Memorandum of Understanding (MOU). The MOU committed both parties to negotiate a Treaty of Co-Existence. An addendum to the MOU in May 1991, reaffirmed the governments commitment to the negotiations and established the Wendaban Stewardship Authority as an interim measure with jurisdiction over four townships.

While preparations for these negotiations were continuing, the Supreme Court of Canada ruled in August of 1991 that the Teme-Augama Anishnabai had extinguished their aboriginal title through adhesion to the Robinson-Huron Treaty of 1850. However, Ontario has continued to negotiate. It has done so for several reasons. Ontario committed itself to this negotiation process prior to the Court's decision. As well, the Court's ruling has raised issues that Ontario believes can only be resolved through negotiation. In addition, continuing the negotiations is in the spirit of Ontario's recognition that the First Nations have an inherent right to self-government.

Last October, the Teme-Augama Anishnabai voluntarily abandoned the cautions on four townships. Staking and mineral exploration of this land is now underway, and over 200 new claims were staked in the first several days of activity.

By mid-December of 1991, Ontario and the Teme-Augama Anishnabai had reached agreement on most major issues regarding the Framework Agreement, which outlines the agenda for the Treaty of Co-Existence negotiations and will establish interim arrangements. These interim arrangements are intended to provide for orderly development and protect the interests of the Teme-Augama Anishnabai during the negotiation of the Treaty of Co-Existence.

Since mid-December, little progress has been made toward resolving outstanding differences regarding the interim arrangements. As a result, the two parties have agreed to appoint a facilitator. I am hopeful the facilitator will be appointed very soon and can initiate some progress or submit a report in the near future.

I recognize that many residents in the Temagami area have been eagerly awaiting news about the resolution of the cautions. Ontario is committed to ensuring that there is an orderly, and well-regulated process for removing the cautions and reopening any of the area to mineral exploration and other development. This is especially important in light of the area's economic circumstances and considerable environmental, recreational and tourism value.

I am enclosing a background sheet that provides more detailed information of the issues that have been raised in my letter. I urge you to read it to provide you with more information.

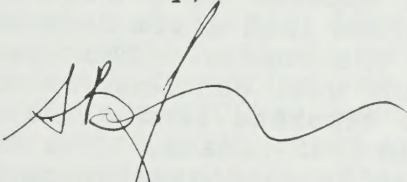
During the summer and fall I met several times with locally-elected officials and a number of interested groups and organizations to discuss the negotiations. I intend to continue to meet with as many groups as possible in accordance with my responsibilities and the Government's commitment to an open and consultative process. Very soon I expect to receive recommendations from the Comprehensive Planning Council and elected leaders in the area regarding an approach to public consultation. I am sincerely committed to ensuring that there is meaningful consultation with potentially-affected people before any government position is finalized and before any settlement is agreed to. It is essential that the views and input of those most impacted by the outcome of these negotiations be part of the decision-making process.

Part of the proposed Framework Agreement, although not yet agreed to, calls for the Teme-Augama Anishnabai to put forward a proposal regarding land for their sole stewardship, ie., land which they would have jurisdiction and control over. The Teme-Augama Anishnabai will be considering their position on land at a general assembly on February 1st and 2nd, 1992. When their land proposal has been finalized, it will be forwarded to me as Ontario's Chief Negotiator. Before Ontario puts forward a formal response to the proposal from the Teme-Augama Anishnabai, there will be various

opportunities for the public to provide input to the government position. I encourage you to be part of this important process.

As well, I am pleased to announce that Cathy Dwyer-Smith has agreed to be the Assistant Negotiator and will work out of my office in Temagami. Cathy is a lifelong resident of the area and comes to us from the Ministry of Natural Resources where she was the Native Liaison Coordinator. To reach Cathy, phone 1-705-569-2637, or write to her at P. O. Box 422, Temagami, Ontario POH 2H0. Please don't hesitate to contact Cathy or myself if you have any questions about the negotiations.

Yours truly,

A handwritten signature in black ink, appearing to read 'S. Barton Feilders', with a long, sweeping horizontal line extending to the right.

S. Barton Feilders
Chief Negotiator

BACKGROUND SHEET

ONTARIO/TEME-AUGAMA ANISHNABAI NEGOTIATIONS

Land Cautions

The Teme-Augama Anishnabai asserted a land claim of unextinguished aboriginal title to about 4,000 square miles in the Temagami area. To support the claim, in 1973, the Bear Island Foundation registered cautions under the Land Titles Act on 110 townships in the land claim area. In 1977/78, the Teme-Augama Anishnabai appealed to the District Court, three decisions of the Director of Titles concerning the cautions. The appeals were eventually adjourned pending the result in the separate land claim case which was in the meantime proceeding through the courts. The appeals have the practical effect of cautions and will continue to do so until the appeals are disposed of. The separate land claim case has now been decided by the Supreme Court of Canada. The Court held that the Teme-Augama Anishnabai have no aboriginal rights in relation to land but made observations about other rights and current negotiations between the parties concerning such rights.

Settlement Offers

Ontario presented offers of settlement to the Teme-Augama Anishnabai in 1986 and 1989. Both offers were essentially based on compensating the Teme-Augama Anishnabai for entitlements outstanding from the Robinson-Huron Treaty of 1850. The Teme-Augama Anishnabai rejected the offers as inappropriate, on the grounds that they or their ancestors had not signed this treaty.

The Memorandum of Understanding and Addendum

In April of 1990, Ontario and the Teme-Augama Anishnabai signed a Memorandum of Understanding (MOU) that committed both parties to three goals:

- o negotiate a Treaty of Co-Existence;
- o share responsibility, in the interim, for land and resource management in Acadia, Canton, Delhi, and Shelburne townships, in order to evaluate a model for shared stewardship;
- o as a further interim measure, agree to a bi-lateral process that would allow the Teme-Augama Anishnabai to examine timber management plans for the other townships under caution, and recommend modifications.

In May of 1991, the Honourable Bud Wildman, Minister Responsible for Native Affairs and Minister of Natural Resources, and the two chiefs of the Teme-Augama Anishnabai signed an Addendum to the MOU. The Addendum established the Wendaban Stewardship Authority, a joint body of the two parties, with responsibility for land use and resource planning and management in Acadia, Canton, Delhi, and Shelburne townships.

Comprehensive Planning Council

In May of 1991, The Minister of Natural Resources established a local Comprehensive Planning Council (CPC) in Temagami. The purpose of the CPC is to strengthen local involvement in the management of natural resources in the Temagami area. The CPC takes a holistic approach to resource management planning and ensures that all planning for parks, tourism, timber harvesting and renewal, fisheries and wildlife will be done at the same time. As well, the CPC has been asked to recommend alternative mechanisms for third party input into the negotiations between Ontario and the Teme-Augama Anishnabai.

Appointment of the Chief Negotiator

In May 1991, at the same time as the signing of the Addendum, Barton Feilders was appointed as Ontario's Chief Negotiator. Mr. Feilders, a former resident of Thunder Bay, has two decades of experience as a consultant, planner and policy advisor for northern industrial and economic development. He joined the provincial government after ten years with Ontario Hydro, the City of Thunder Bay, a large firm of consulting engineers in northern Ontario, and private practice.

Supreme Court of Canada Decision

In August of 1991, after nearly 10 years of litigation, the Supreme Court of Canada ruled that the Teme-Augama Anishnabai had adhered to the Robinson Huron-Treaty of 1850, thus extinguishing their aboriginal title to the land under caution. The Court also stated that the "Crown had breached its fiduciary [trust] obligations" to the Teme-Augama Anishnabai. The Court did not state specifically whether these obligations were the responsibility of Canada or Ontario.

Continuing Negotiations

Ontario is continuing negotiations with the Teme-Augama Anishnabai for several reasons:

- o Ontario had committed itself to this negotiation process prior to the Court's decision by signing the MOU;

- o As the court has ruled, there are legal obligations to the Teme-Augama Anishnabai that are outstanding, which Ontario believes should be resolved through negotiations;
- o Section 35 of the Constitution Act, 1982, recognizes and affirms existing Aboriginal and Treaty rights. As well, Supreme Court of Canada decisions, such as the Sparrow case, are helping to define these rights and give guidance to Ontario while negotiating these matters.
- o Continuing the negotiations is in the spirit of the Statement of Political Relationship, which Ontario signed in recognition of the First Nation's inherent right to self-government;
- o Ontario's general policy is to negotiate outstanding issues with the First Nations rather than litigate solutions.

Current Status of Cautions

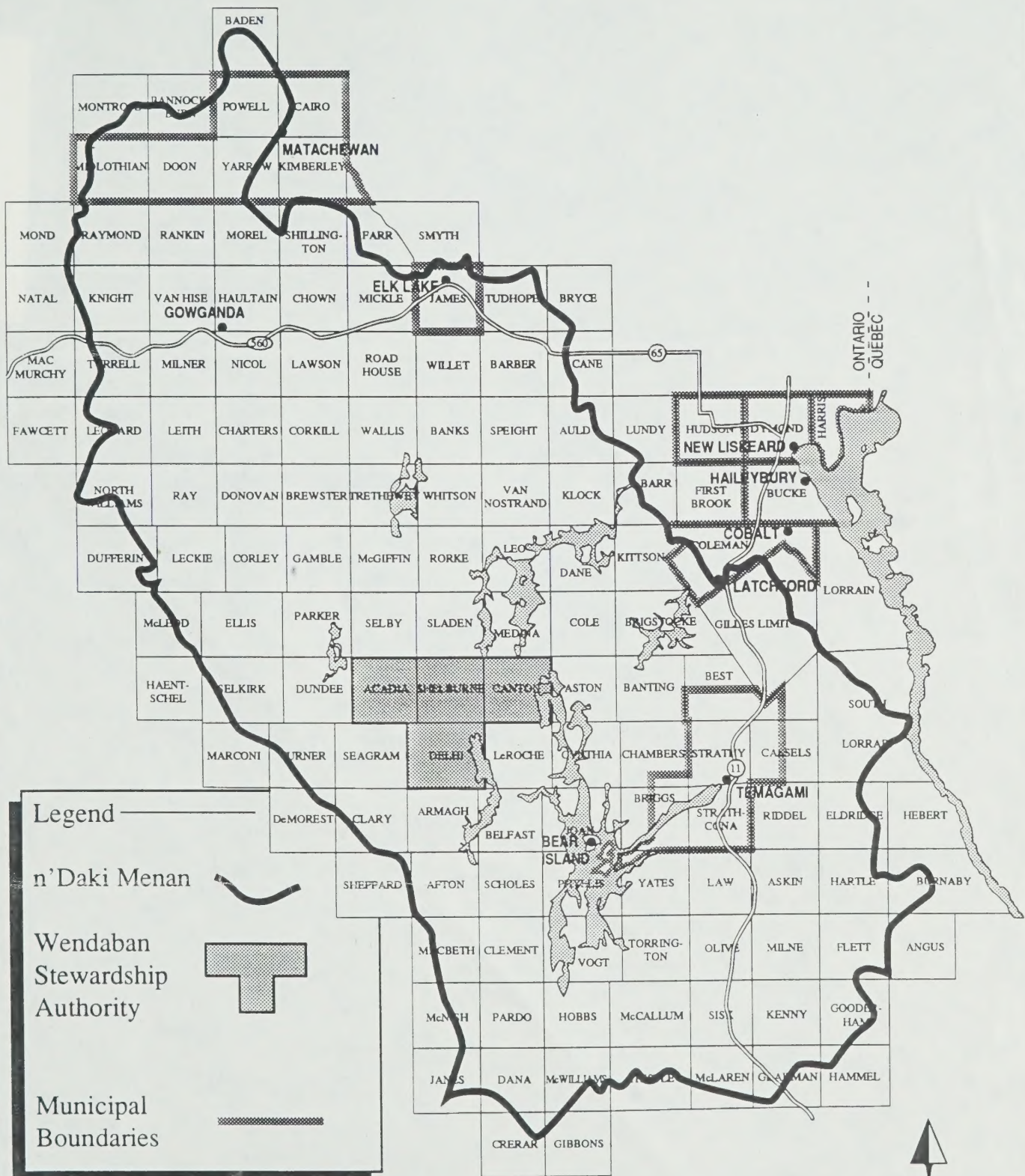
In mid October, the Teme-Augama Anishnabai voluntarily lifted the cautions on the township of James (Elk Lake), and the geographic townships of Best, Strathy and Cassels in the Township of Temagami. Staking and mineral exploration in this area is now underway. Because the court case dealing with the cautions has been adjourned, the remaining cautions can be removed only if the Teme-Augama Anishnabai voluntarily lift these as well, or by a court ruling.

Framework Agreement Negotiations

The remaining cautions are a matter of consideration in discussions between Ontario and the Teme-Augama Anishnabai regarding a proposed Framework Agreement. The Framework Agreement's purpose is to establish an agenda and timetable for negotiating the Treaty of Co-Existence. The Framework Agreement is intended to include interim arrangements that provide for orderly development of lands currently under caution, and protect the interests of the Teme-Augama Anishnabai during further negotiations.

Appointment of a Facilitator

The two parties have agreed to most of the components of the proposed Framework Agreement. Ontario and the Teme-Augama Anishnabai have agreed to appoint a facilitator to advise on how to resolve remaining issues.



Legend

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Wendaban
Stewardship
Authority

Municipal
Boundaries

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